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THE LAW OF THE PUBLIC SCHOOL SYSTEM OF THE UNITED STATES. By HARVEY CORTLANDT VOORHEES. Boston: LITTLE, BROWN & Co. 1916. pp. lvii, 429.

It must have required no little courage to undertake the task of so coordinating the usages and statutes of our different States, applicable to public schools, as to justify their presentation under the title of this volume. The meagre common law principles relating to the education of children have been superseded by constitutional and statutory provisions. As the federal government has no authority "to prescribe, limit or regulate the common schools of the several states", each commonwealth has been free to develop the public school system according to its own fancies, with resulting divergences which seem quite bewildering. However, Mr. Voorhees has been able to reduce this apparent chaos to a considerable degree of order, and has produced a book which deserves the title of "The Law of the Public School System of the United States" and which should prove most serviceable to all persons charged with responsibility in administering that system anywhere.

While the common law recognized the duty of the parent to educate his child, such duty was one of imperfect obligation, for no remedy was vouchsafed the child in case of the parent's neglect. This defect of the common law was the subject of earnest consideration by the early colonists, and, at present, every "State except Georgia and Mississippi" provides for the compulsory education of its children. Neither the common law nor modern legislation tolerates the claim once put forward by an English nobleman that "a parent has the right to go to the devil in his own way with his children". On the other hand, the State has such an interest in its children as to warrant its intervention on their behalf, compelling "parents to perform the natural duty of education owed to their offspring."

The chapter on School Districts is full of interest. Many of the cases cited supply admirable studies in the history of our educational system. Others are of great practical value to persons injured by these quasi-corporations, as well as to the inhabitants and officers of districts.

It is noticeable that our author has difficulty in formulating the rule of liability of an unconstitutional officer. This is not surprising, for the judicial deliverances are at variance on this subject, and practical considerations have been allowed to interfere with the logical application of the doctrine that an unconstitutional law is a nullity. As a result, Mr. Voorhees cites Connecticut and Wisconsin courts as holding that one elected under an unconstitutional statute to a valid office, is an officer *de facto*, whose acts are valid; while he cites the United States Supreme Court for the view that one holding an office created by an unconstitutional statute is a mere usurper, whose acts have no validity.

Francis M. Burdick.

NEW YORK ESTATES AND SURROGATES. By FRANK HUBBARD TWYEFORT. Rochester: THE LAWYERS COOPERATIVE PUBLISHING COMPANY. 1916. pp. cxxiii, 1483.

The profession is much indebted to author and publishers for this new book. The law affecting the property rights which arise on the termination of a human life, and the procedure dictating the maintenance and preservation of those rights is necessarily peculiar to each state. The book under review deals with those rights from the stand-

point of estates having their *situs* in New York. There are a number of such books well-known to the profession. In the reviewer's opinion Mr. Twyeffort's book is superior to them. It has a logical arrangement. It takes up first, the rights which accrue at the moment of death; and it considers immediately the relevant problems of domicile, marriage, legitimacy, adoption and the status of aliens. It deals next with intestate succession, as being that form of succession which would legally occur in the absence of an act of the deceased; and then it takes up in praiseworthy detail the administration of assets. Then, wills and executors are treated; and the book leads us through chapters on testamentary trustees, and guardians and infants. Finally, in exhaustive chapters are taken up the jurisdiction and proceedings of the courts peculiar to New York State, known as Surrogates' Courts. Substantive law and adjective law are not muddled together in this book as in its predecessors or contemporaries. The substantive law is not merely stated, but it is stated fully, and with a great deal of detail and care. The means of asserting the rights which are defined in this book are likewise discussed with care, but in separate chapters. This avoids the necessity of describing what a petition is, or what a citation is whenever a right is to be enforced by means of such instruments; they are described once and for all in their proper place. Nor is there any confusion of the substantive law, because two varying provisions of substantive law are described (as they are in some books) in relation to "citations" merely because both may require a citation in aid of their enforcement. The chronological arrangement, which is the logical arrangement, will be of assistance to the practicing lawyer; so will the clearness of statement; and also, the cyclopaedic analyses which preface the volume will aid in quick reference. The book contains a full copy of all of the rules of the Surrogates' Courts, which was to be expected. The thing for which, perhaps, the profession will be most grateful to the author is the set of 244 forms which cover almost every conceivable proceeding in the Surrogates' Courts including transfer tax proceedings.

The book is written, of course, in view of, and perhaps because of, the new Surrogates' Act of 1914. Where its sections have been construed, the author sets forth the decisions with fullness; where they have not been construed, the author provides helpful analogies and discussion. The book is, therefore, of timely interest; but the reviewer finds it a relief that in a book dealing apparently chiefly with practice problems, the practitioner will find truly helpful discussions from the standpoint of substantive law, carefully prepared and logically arranged.

Alexander B. Siegel.

CLARK ON CORPORATIONS. Third Edition by I. MAURICE WORMSER. St. Paul: WEST PUBLISHING Co. 1916. pp. xiii, 913.

Nine years have elapsed since the publication of the second edition of Clark on Corporations. During that time, many new and interesting cases in the law of private corporations have been decided by the courts of this country and of England. For this reason alone, a new edition would have been justified. But the author of this third edition, not content with merely adding citations to some six hundred new cases, has revised the text of the old edition. While there are a few omissions, the revision consists chiefly in amplification, with the result that the reader, through the full discussion, obtains a clear and comprehensive view of the law relating to private corporations, which was to some extent obscured in the previous edition because of the